GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The Andhra Pradesh State and Subordinate Service Rules, 1996 – Amendment to Rule-22-A(2) relating to 33 1/3% reservation for Women Horizontally in Direct Recruitment to Public Services – Orders – Issued.

GENERAL ADMINISTRATION(SERVICES-D)DEPARTMENT

G.O.MS.No. 63 Dated: 17-04-2018

Read the following:-

1. G.O.Ms.No.436, General Administration (Services-D)Department, Dated: 15.10.1996.
2. G.O.Ms.No.65, General Administration (Services-D)Department, Dated: 15.02.1997.
3. G.O.Ms.No.40, Dept for Women, Children, Differently Abled & Senior Citizens(Prog.II), dated:25.7.2016.
4. From Secretary, Andhra Pradesh Public Service Commission, Lr.No.225/RR/2018 dt:06.04.2018.

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**ORDER:-**

According to sub-rule(2) of Rule 22-A(pertaining to Women reservation in appointment) of Andhra Pradesh State and Subordinate Service Rules, 1996 provides for vertical direct recruitment to the posts for which women and men are equally suited, there shall be reservation to women to an extent of 33 1/3% of the posts in each category of Open Competition, Backward Classes (Group-A), Backward Classes (Group-B), Backward Classes (Group-C), Backward Classes (Group-D), Backward Classes (Group-E), Scheduled Castes, Scheduled Tribes and Physically Handicapped and Ex-servicemen quota.

2. In this connection, the Hon'ble Supreme Court in Rajesh Kumar Darla Vs Rajasthan Public Service Commission held as follows:-

> 'Social reservations in favour of SC, ST and OBC under Article 16(4) are '*vertical reservations*'. Special reservations in favour of physically handicapped, women, etc. under Articles 16(1) or 15(3) are '*horizontal reservations*''. Where a vertical reservation is made in favour of a Backward Class under Article 16(4), the candidates belonging to such Backward Class, may compete for non-reserved posts and if they are appointed to the non-reserved posts on their own merit, their number will not be counted against the quota reserved for the respective Backward Class. Therefore, if the number of SC candidates, who by their own merit, get selected to open competition vacancies, equals or even exceeds the percentage of posts reserved for SC candidates, it cannot be said that the reservation quota for SCs stood filled. The entire reservation quota will be intact and available in addition to those selected under open competition category.
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> But the said principle applicable to vertical (social) reservations, will not apply to horizontal (special) reservations. Where a special reservation for women is provided within the social reservation for SCs, the proper procedure is first to fill up the quota for SCs in order of merit and then find out the number of candidates among them who belong to the special reservation group of 'Scheduled Caste Women". If the number of women in such list is equal to or more than number of special reservation quota, then there is no need for further selection towards the special reservation quota. Only if there is any shortfall, the requisite number of Scheduled Caste Women shall have to be taken by deleting the corresponding number of candidates from the bottom of the list relating to Scheduled Castes'.

(P.T.O.)

3. In pursuance of the aforesaid direction of the Hon'ble Supreme Court, in the G.O third read above, orders were issued providing 33 1/3% reservation to Women horizontally, in each category ie., OC, BC-A, BC-B, BC-C, BC-D, BC-E, SC,ST and Physically Handicapped, Ex-serviceman and meritorious sportsperson in the matter of direct recruitment to the posts, for which men and women are equally suited, by superseding the earlier orders issued in the matter to give statutory effect to the above orders, it has been decided to amend sub-rule(2) of Rule-22A of the Andhra Pradesh State and Subordinate Service Rules, 1996, suitably.

4. Accordingly, the following notification will be published in the Andhra Pradesh Gazette:-

**NOTIFICATION**

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh, hereby makes the following amendment to the Andhra Pradesh State and Subordinate Service Rules, 1996, issued in G.O.Ms.No.436, General Administration (Services-D) Department, dated the 15th October, 1996 as subsequently amended from time to time.

The amendment hereby made shall be deemed to have come into force with effect from the 25th July, 2016.

**AMENDMENT**

In the said rules, in rule-22-A, for sub-rule (2), the following shall be substituted, namely:-

> "In the matter of direct recruitment to posts for which women and men are equally suited, there shall be reservation to women Horizontally to an extent of 33 1/3% of the posts in each category of Open Competition, Backward Classes (Group-A), Backward Classes (Group-B), Backward Classes (Group-C), Backward Classes (Group-D), Backward Classes (Group-E), Scheduled Castes, Scheduled Tribes and Physically Handicapped and Ex-servicemen and Meritorious Sportsperson quota".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

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//FORWARDED:: BY ORDER//

SECTION OFFICER